COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION CONCERNING THE PROPRIETY OF PROVISION OF INTERLATA SERVICES BY BELLSOUTH TELECOMMUNICATIONS, INC., PURSUANT TO THE TELECOMMUNICATIONS ACT OF 1996))))	CASE NO. 2001-00105
PETITION OF BELLSOUTH TELECOMMUNICATIONS, INC. FOR THE ESTABLISHMENT OF A NEW PERFORMANCE PLAN)))	CASE NO. 2004-00391

ORDER

On February 11, 2009, BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky ("AT&T") filed a letter with the Commission giving notice that it had declared a Force Majeure Event pursuant to Section 4.5.2 of its Self Effectuating Enforcement Mechanisms ("SEEM") Plan after a large municipal water main break under a street outside AT&T's St. Louis data center on December 6, 2008 caused water damage to its St. Louis data center. AT&T stated that the outage prevented the provider from meeting the performance standards associated with the Reject Interval and Firm Order Confirmation Timeliness on certain dates between December 8, 2008 and December 12, 2008. On February 20, 2009, Competitive Carriers of the South, Inc. ("CompSouth") filed an objection to AT&T's declaration of a Force Majeure Event. By Orders dated March 2, 2009, March 11, 2009, and April 9, 2009, the Commission set forth procedural schedules to allow the parties the opportunity to respond and reply to CompSouth's

objection. On April 13, 2009, CompSouth filed a notice of voluntary withdrawal of its objection. The Commission shall treat this notice as a motion and finds that the motion for withdrawal shall be granted.

IT IS HEREBY ORDERED that CompSouth's motion for voluntary withdrawal of its objection to AT&T's Force Majeure Declaration is granted.

By the Commission

ENTERED

APR 2 7 2009

KENTUCKY PUBLIC ISERVICE COMMISSION

ATTEST

Executive Director

Honorable William R Atkinson Attorney, State Regulatory Sprint Communications Company L.P. c/o Sprint 4701 Mercantile Drive, North Fort Worth, TX 76137-3606 Honorable Eric N Ison Greenebaum Doll & McDonald PLLC 3500 National City Tower 101 South Fifth Street Louisville, KY 40202-3197 Honorable John E Selent Attorney at Law Dinsmore & Shohl, LLP 1400 PNC Plaza 500 West Jefferson Street Louisville, KY 40202

Honorable Susan J Berlin Secretary/Treasurer MCI WorldCom 6 Concourse Parkway Suite 3200 Atlanta, GA 30328 Honorable Mary K Keyer General Counsel/Kentucky BellSouth Telecommunications, Inc. dba AT&T 601 West Chestnut Street, Room 408 Louisville, KY 40203 Tony Taylor
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Honorable Douglas F Brent Attorney at Law Stoll Keenon Ogden, PLLC 2000 PNC Plaza 500 W Jefferson Street Louisville, KY 40202-2828 William J Maxwell President ICG Telecom Group, Inc. c/o Level 3 1025 Eldorado Boulevard Broomfield, CO 80021 Honorable Katherine K Yunker Attorney At Law Yunker & Associates P. O. Box 21784 Lexington, KY 40522-1784

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Honorable C. Kent Hatfield Attorney at Law Stoll Keenon Ogden, PLLC 2000 PNC Plaza 500 W Jefferson Street Louisville, KY 40202-2828 Honorable Pamela E Melton LCI International Telecom Corp. Qwest 4250 N. Fairfax Drive 13th. Floor Arlington, VA 22203

Jean Houck Regulatory ITC^ DeltaCom Communications, Inc. 7037 Old Madison Pike Suite 400 Huntsville, AL 35806 Honorable Wanda G Montano Vice President, Regulatory & Industry Affairs US LEC of North Carolina, LLC Morrocroft III 6801 Morrison Blvd. Charlotte, NC 28211

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